

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in his
official capacity as Acting Secretary of the
U.S. Department of Homeland Security;
and MATTHEW ALBENCE, in his official
capacity as Acting Director of U.S.
Customs and Immigration Enforcement,

Defendants.

NO. 2:20-cv-01070-RSM

NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to LCR 7(n), Plaintiff State of Washington hereby notifies the Court of a development in a related case in the United States District Court for the District of Massachusetts, *President and Fellows of Harvard College and Massachusetts Institute of Technology v. U.S. Department of Homeland Security, et al.*, No. 1:20-cv-11283. During a hearing this afternoon, the Court in *Harvard College* announced that the parties had reached an agreement and that the federal defendants would be rescinding ICE's July 6, 2020 Directive and related guidance and that the prior March 2020 guidance would remain in effect. Counsel for the federal defendants in the *Harvard College* case confirmed this agreement in open court. The Court's docket contains the following notation:

The Court was informed by the parties that they have come to a resolution to the combined temporary restraining order/preliminary injunction motions. The Government has agreed to rescind the July 6, 2020 Policy Directive and the July 7, 2020 FAQ, and has also agreed to rescind their implementation. The Government will return to the March 9, 2020 and March 13, 2020 policy. This moots the temporary restraining order/preliminary injunction motions, [ECF Nos. 4, 30], and will preclude enforcement of the July 6, 2020 policy directive and July 7, 2020 FAQ, which are being rescinded on nationwide basis.

Harvard College, No. 1:20-cv-11283 (D. Mass.) (Dkt. # 119) (Jul. 14, 2020).

As of this filing, the July 6, 2020 Directive and related guidance are still posted on ICE's website and do not appear to have been formally rescinded. The State's position is that absent a formal rescission or confirmation on the record in this case that the July 6, 2020 Directive and related guidance will promptly be rescinded, so as to provide complete relief to the State, the State's pending motion for a temporary restraining order should proceed.

DATED this 14th day of July, 2020.

ROBERT W. FERGUSON
Attorney General

/s/ Lauryn K. Fraas
LAURYN K. FRAAS, WSBA No. 53238
KRISTIN BENESKI, WSBA No. 45478
SPENCER W. COATES, WSBA No. 49683
Assistant Attorneys General
lauryn.fraas@atg.wa.gov (206) 521-5811
kristin.beneski@atg.wa.gov
spencer.coates@atg.wa.gov
Attorneys for Plaintiff State of Washington